

**MINUTES OF THE NHSLC**  
**BUREAU OF ENFORCEMENT AGENDA FOR**  
**WEDNESDAY, SEPTEMBER 24, 2008**

**1. SUSPENSIONS:**

- a. Action Pending:  
None
- b. Licensees Suspended For Non-Payment of Fines:  
None
- c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):  
None

**2. LICENSEES WHO MAY BE ORDERED TO A HEARING:**

None

**3. HEARINGS SCHEDULED FOR WEDNESDAY, SEPTEMBER 24, 2008:**

None

**4. HEARINGS SCHEDULED:**

None

**5. HEARINGS WITH DATES TO BE DETERMINED:**

None

**6. PENDING CASES:**

None

**THE COMMISSION HAD NO QUESTIONS ON ITEMS 1-6.**

**7. WARNING LETTERS/FINES:**

- a. F & S Food Mart LLC, 93 Plaistow Road, Plaistow, NH.  
Combination License #3147747.  
Licensed under RSA 178:18.  
Cited for violation of Liq. 404.02 - failed to have and maintain readily available to the public representative grocery stock that includes bread products, meat products whether fresh or canned, dairy products including milk, cereal products whether hot or cold, vegetables whether canned or fresh, fruit whether canned or fresh and snack foods.  
Date of violation: August 8, 2008  
Case # 08-577-OF.  
Recommendation: \$100 Administrative fine.  
**COMMISSION APPROVED.**
- b. Fat Belly's, 2 Bow Street, Portsmouth, NH.  
Restaurant Full Service With Lounge License #1273903.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.  
Date of violation: August 3, 2008.  
Case #: 08-555-OF.  
Recommendation: \$750 Administrative fine, four (4) points assessed to the liquor license, and the license to sell alcohol suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation.  
**COMMISSION APPROVED.**
- c. 51 Mill Street, 51 Mill Street, Wolfeboro, NH.  
Restaurant Full Service With Lounge License #1282303.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:26 - failure to comply with another agency by not having a Health Certificate.  
Date of violation: August 1, 2008.  
Case #: 08-564-OF.  
Recommendation: \$250 Administrative fine.  
**COMMISSION APPROVED.**

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- d. Happy Family Chinese Restaurant, 943 Suncook Valley, Epsom, NH.  
Restaurant Beverage and Liquor License #1175803.  
Licensed under RSA 178:21, II(a)(1).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.  
Date of violation: May 13, 2008.  
Case #: 08-469-OF.  
Recommendation: \$750 Administrative fine, four (4) points assessed to the liquor license, and the license to sell alcohol suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation, mandatory attendance at a Management Training Seminar (MTS) within thirty days of adjudication for all managers and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers who have not attended and for the server who committed the violation.  
**COMMISSION APPROVED.**
- e. Pimento's Restaurant and Lounge, 69 Water Street, Exeter, NH.  
Restaurant Full Service With Lounge License #1358603.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.  
Date of violation: July 18, 2008.  
Case #: 08-514-OF.  
Recommendation: \$1,000 Administrative fine, four (4) points assessed to the liquor license, and the license to sell alcohol suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation, mandatory attendance at a Management Training Seminar (MTS) within thirty days of adjudication for all managers and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers.  
**COMMISSION APPROVED.**
- f. Rindge Country Store, 1116 NH Route 119, Rindge, NH.  
Combination License #3177547.  
Licensed under RSA 178:18.  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.  
Date of violation: August 15, 2008.  
Case #: 08-602-OF.  
Recommendation: \$500 Administrative fine and four (4) points assessed to the liquor license.  
**COMMISSION APPROVED.**

8. **NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:**

- a. Amoskeag Beverages, 4 Brookside West, Hooksett, NH.  
Wholesale Distributor License #280420.  
Licensed under RSA 178:16.  
Cited for violation of RSA 179:13, I - did fail to report an account as overdue.  
ADMINISTRATIVE FINE \$250 PAID.  
**COMMISSION APPROVED.**
- b. Ashworth Convenience Store, 6 Ashworth Avenue, Hampton, NH.  
Combination License #3193847.  
Licensed under RSA 178:18.  
Cited for violation of RSA 179:5, I.  
Compliance Check 8/28/08.  
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.  
**COMMISSION APPROVED.**

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- c. Ashworth Convenience II, 45 Ashworth Avenue, Hampton, NH.  
Combination License #3211747.  
Licensed under RSA 178:18.  
Cited for violation of RSA 178:18, I - did allow the consumption of alcoholic beverage on the premise.  
ADMINISTRATIVE FINE \$100 PAID.  
**COMMISSION APPROVED.**
- d. Jimmy's Sports Bar, 15 Mechanic Street, Dover, NH.  
Sports Recreation Facility License #2500905.  
Licensed under RSA 178:22, V(v).  
Cited for violation of RSA 179:51 - did fail to conduct the premise in an orderly manner.  
ADMINISTRATIVE FINE \$250 PAID.  
**COMMISSION APPROVED.**
- e. Mandarin, 493 Amherst Street, Nashua, NH.  
Restaurant Full Service With Lounge License #256303.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage  
Cited for violation of RSA 179:35 - did fail to retain receipts for 60 days prior to current date.  
ADMINISTRATIVE FINE \$500 PAID.  
**COMMISSION APPROVED.**
- f. Nashua Elks Lodge 720, 120 Daniel Webster Highway South, Nashua, NH.  
Social Club License #11601.  
Licensed under RSA 178:22, V(h).  
Cited for violation of RSA 178:22, V(h)/Administrative Rule 501.06 - did fail to restrict access to the licensed premise.  
ADMINISTRATIVE FINE \$100 PAID.  
**COMMISSION APPROVED.**
- g. Patriot's Corner Grocery Store, 29 Ocean Blvd., Hampton, NH.  
Combination License #738547.  
Licensed under RSA 178:18.  
Cited for violation of RSA 179:5, I.  
Compliance Check 8/28/08.  
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.  
**COMMISSION APPROVED.**
- h. Royal Market II, 94 Ashworth Avenue, Hampton, NH.  
Combination License #721947.  
Licensed under RSA 178:18.  
Cited for violation of RSA 179:5, I.  
Compliance Check 8/28/08.  
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.  
**COMMISSION APPROVED.**
- i. Ship's Inn Store, 27 B Street, Hampton, NH.  
Combination License #3217447.  
Licensed under RSA 178:18.  
Cited for violation of RSA 179:5, I.  
Compliance Check 8/28/08.  
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.  
**COMMISSION APPROVED.**
- j. Stacey Jane's, 9A Ocean Blvd., Hampton, NH.  
Restaurant Full Service With Lounge License #1062203.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I.  
Compliance Check 8/28/08.  
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.  
**COMMISSION APPROVED.**

**9. NEW LICENSES:**

- a. Nature's Green Grocer LLC,  
374 Union Street, Unit 112, Peterborough, NH 03458.  
To be issued Combination Off-Premise Beverage/Wine License #3227447  
pursuant to RSA 178:18.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- b. Peter Worden, Jr. DBA Corner House Pizza,  
2 Main Street, Rumney, NH 03266.  
To be issued Restaurant On-Premise Beverage/Wine License #1344503  
pursuant to RSA 178:20.  
Recommendation: Approval.  
**COMMISSION APPROVED.**

**10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:**

- a. Calcareous Vineyard LLC DBA Calcareous Winery,  
3430 Peachy Canyon Road, Paso Robles, CA 93446.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- b. Clos De La Tech LLC,  
1697 Industrial Road, Unit 2, San Carlos, CA 94070.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- c. Elk Creek Vineyards LLC,  
150 Highway 330, Owanton, KY 40359.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- d. International Beverage Holdings Limited USA, Inc. DBA Interbev USA,  
60 E. 42nd Street, Suite 2134, New York, NY 10165.  
To be issued Beverage Vendor License #44031 pursuant to RSA 178:15.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- e. J Dusi, Inc.,  
635 North Main Street, Templeton, CA 93465.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- f. K Vintners LLC DBA K Vintners & Charles Smith Wines,  
820 Mill Creek Road, Walla Walla, WA 99362.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- g. Ken Brown Wines LLC,  
35 Industrial Way, Buellton, CA 93427.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- h. Millercoors LLC,  
311 10th Street, Golden, CO 80401.  
To be issued Beverage Vendor License #45431 pursuant to RSA 178:15.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- i. Robert and Patrice Nadeau DBA Nadeau Family Vintners,  
3860 Peachy Canyon Road, Paso Robles, CA 93446.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**

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- j. Napastyle Wine Company LLC,  
574 Gateway Drive, Napa, CA 94558.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- k. Victoria & Michael Stokes DBA Fermented Grape,  
1225 Gravenstein Highway South, Sebastopol, CA 95472.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- l. Viader Vineyards, Inc.,  
1120 Deer Park Road, Deer Park, CA 94576.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- m. Winery Exchange, Inc. DBA World Brews,  
35 Leveroni Court, Suite 100, Novato, CA 94949.  
To be issued Beverage Vendor License #45931 pursuant to RSA 178:15.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- n. Zahtila Vineyards, Inc.,  
2250 Lake County Highway, Calistoga, CA 94515.  
Direct Shipper Permit Application - RSA 178:27.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- 11. **PETITIONS FOR COMMISSION APPROVAL:**
  - a. Athena's Pizzeria & Eatery LLC,  
22A Ash Street, Hollis, NH 03049.  
Restaurant On-Premise Beverage/Wine License #1364503.  
Licensed pursuant to RSA 178:20.  
Requests approval for an outside area, to wit, an outside deck appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
  - b. Mac's Convenience LLC DBA Circle K,  
73 Main Street, Hanover, NH 03755.  
Combination Off-Premise Beverage/Wine License #3220947.  
Licensed pursuant to RSA 178:18.  
Requests a waiver to RSA 179:48, IV, to wit, to allow direct access to the premise from that of another business.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
  - c. Mac's Convenience LLC DBA Circle K,  
32 Route 103, Warner, NH 03278.  
Combination Off-Premise Beverage/Wine License #3223247.  
Licensed pursuant to RSA 178:18.  
Requests a waiver to RSA 179:48, IV, to wit, to allow direct access to a premise from that of another business.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
  - d. Friends of the Music Hall, Inc. DBA Portsmouth Music Hall,  
28 Chestnut Street, Portsmouth, NH 03801.  
Performing Arts Facility On-Premise Cocktail Lounge License #398108.  
Licensed pursuant to RSA 178:22, V(m).  
Requests approval for inside areas, to wit, inside theatre seats and stage area appropriately sanctioned off on November 15, 2008 from 8pm to 12am pursuant to RSA 178:24 and Liq. 404.05.  
Recommendation: Approval.  
**COMMISSION APPROVED.**

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- e. Palace Theatre Trust DBA Palace Theatre,  
80 Hanover Street, Manchester, NH 03101.  
Performing Arts Facility On-Premise Cocktail Lounge License #388108.  
Licensed pursuant to RSA 178:22, V(m).  
Requests approval for an outside area, to wit, an enclosed tent in front of  
the licensed premise appropriately sanctioned off on September 18, 2008  
pursuant to RSA 178:24 and Liq. 404.05.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- f. Peyton Place Restaurant @ Mann Tavern LLC,  
454 NH Route 10, Orford, NH 03777.  
Restaurant On-Premise Beverage/Wine/Liquor License #1204403.  
Licensed pursuant to RSA 178:21.  
Requests a waiver of RSA 178:21, II,(a)(2) for authorization of reduction of  
hours, to wit, to reduce the hours of operation to less than five (5) days a  
week between October 23, 2008 and April 22, 2008 as listed in a letter dated  
September 9, 2008.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- g. Rite Aid of New Hampshire, Inc. DBA Rite Aid,  
Globe Shopping Center, 69 Portsmouth Avenue, Exeter, NH 03833.  
Combination Off-Premise Beverage/Wine License #892147.  
Licensed pursuant to RSA 178:18.  
Requests approval for authorization to transfer business location, to wit,  
close the current business on or about September 4, 2008 then transfer the  
business and supplies from 69 Portsmouth Avenue, Exeter, NH to the new  
location at 75 Portsmouth Avenue, Unit 11, Exeter, NH; to be completed on or  
about September 4, 2008 pursuant to RSA 178:29, VIII.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- h. Seabrook One Stop, Inc. DBA Seacoast One Stop,  
720 Lafayette Road, Seabrook, NH 03874.  
Combination Off-Premise Beverage/Wine License #3227347.  
Licensed pursuant to RSA 178:18.  
Requests approval to lease part of the premise, to wit, a portion of the  
licensed building to Dunkin Donuts and Subway pursuant to RSA 179:48.  
Recommendation: Approval.  
**COMMISSION APPROVED.**

12. **COMMISSION DECISIONS PENDING:**

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.  
Restaurant Full Service With Lounge License #416503.  
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage  
to an intoxicated person.  
Date of violation: January 11, 2008.  
Hearing date: February 25, 2008.  
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000,  
four (4) points assessed to the liquor license, and the license to sell  
alcoholic beverages suspended for three (3) consecutive days.  
The Licensee filed a Motion for Re-hearing on April 8, 2008.  
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on  
May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.  
Restaurant Full Service With Lounge License #1167803.  
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).  
Cited for violation of RSA 179:50, II - did allow the premise to be used for  
any purpose that was contrary to law.  
Date of violation: February 7, 2008.  
Hearing date: April 23, 2008.

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- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.  
Restaurant Beverage and Liquor License #256803.  
Licensed under RSA 178:21, II(a)(1).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.  
Date of violation: May 30, 2008.  
Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.  
Direct Shipper License #8086533.  
Licensed under RSA 178:27.  
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10<sup>th</sup> of the following month.  
Date of violation: February 25, 2008.  
Hearing date: July 22, 2008.

13. **COMMISSION DECISIONS AFTER HEARING:**

14. **MISCELLANEOUS ITEMS:**

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
  - 1. 5 % tax on all retail sales at the winery and farmer's markets.
  - 2. 5% tax on wholesale sales to NH Licensees for resale.Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?  
Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?  
Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.  
**TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.**
- b. Mass Bay Brewing Company, Inc.,  
306 Northern Avenue, Boston, MA 02210.  
Beverage Vendor Off-Premise Beverage Only License #9131 licensed pursuant to RSA 178:15.  
Requests approval for a specialty beer product above 12% alcohol.  
Specialty beer product has an alcohol content of 13.1% by volume. If approved, this product will only be sold in 1/6 barrel kegs.  
Recommendation: **To be discussed.**  
**TABLED BY THE COMMISSION ON SEPTEMBER 10, 2008.**  
**COMMISSION APPROVED.**
- c. AGR Foodmart, Inc. DBA Center Street Shell,  
101-1 Center Street, Raymond, NH 03077.  
Combination Off-Premise Beverage/Wine License #3215947.  
Licensed pursuant to RSA 178:18.  
Requests approval for a Felon Exception as a Manager pursuant to RSA 179:23 and Liq. 404.06(c); John M. Wright meets all statutory and administrative requirements for a waiver as an employee.  
Recommendation: Approval.  
**COMMISSION APPROVED.**
- d. Applebee's Restaurants North LLC DBA Applebees Neiborhood Grill & Bar,  
75 Laconia Road, Tilton, NH 03276.  
Restaurant On-Premise Beverage/Wine/Liquor License #1348003.  
Licensed pursuant to RSA 178:21.  
Requests approval for a Felon Exception as a Person In Charge pursuant to RSA 179:23 and Liq. 404.06(c); Nathan Stinson meets all statutory and administrative requirements for a waiver as an employee.  
Recommendation: Approval.

**COMMISSION APPROVED.**

- e. Golden Bamboo Palace Restaurant, 60 Main Street, Littleton, NH.  
Restaurant Full Service With Lounge License #1323403.  
Licensed under RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person (3 counts).  
Dates of violations: July 20, 2008 and July 25, 2008.  
Case #s: 08-591-OF and 08-592-OF.  
Recommendation: Settlement reached for amended special terms and conditions to apply to the liquor license:
1. Alcohol may be consumed between the hours of 6:00 a.m. and 10:30 p.m., Monday through Sunday, last call occurring no later than 10:00 p.m.; by 10:30 p.m., all beverages must be removed from all areas including but not limited to tables, the bar area and from all patrons effective for a period of ninety (90) days; at the end of this period, an evaluation conducted by the local police chief and the Liquor Investigator assigned to the Licensee will take place to determine whether restriction(s) should remain in place, be amended, or be removed.
  2. The Licensee shall immediately report all instances of disorderly conduct, violent behavior, and/or liquor license infractions to the local police department and to the Liquor Investigator assigned to the Licensee.
  3. Violation of any of the above terms will result in the Licensee being called to a hearing before the NH State Liquor Commission.

**COMMISSION APPROVED.**

- f. Redhook Brewery - request to ship beer into NH for distribution under the Manufacturer's Statute.

15. **EXECUTIVE SESSION ITEMS:**